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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,654	03/29/2004	Grzegorz Guzik	MS302331.1/MSFTP597US	2418
27195 7590 01/26/2009 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114				
EXAMINER ANDERSON, JOHN A				
ART UNIT		PAPER NUMBER		
3696				
NOTIFICATION DATE		DELIVERY MODE		
01/26/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/811,654

**Applicant(s)**

GUZIK ET AL.

**Examiner**

JOHN A. ANDERSON

**Art Unit**

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 07/02/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement dated 07/02/2004 has been considered.

***Response to Amendment***

2. In the amendment filed August 01, 2008, the following has occurred: Claims 1, 12, 14, and 23 have been amended as shown. Claims 3 and 27 are cancelled. Claims 1- 2,4-26 and 28-30 are currently pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1- 2,4-26 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunt et al (PGPub No.: US 2008/0319829 A1).

As regards claim 1 , Hunt discloses a key performance indicator(KPI) system comprising:

- a client device user interface component; [0383]
- a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI

document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI; and [0443]

- a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component. [0321]
5. As regards claim 2 , Hunt discloses wherein the KPI document comprises database name, connection string, and KPI name for each KPI. [1631]
  6. As regards claims 4 and 24, Hunt discloses, wherein the KPI retrieval Information includes a filter component specifying a subset of data to be utilized to generate a KPI metric. [0220]
  7. As regards claims 5 ,7,16,20 and 28 Hunt discloses wherein the KPI document is encoded as an XML document. [0343]
  8. As regards claim 6 , Hunt discloses wherein the result document includes KPI values and information regarding KPI graphics. [0488]
  9. As regards claims 8, 13 ,18,19 and 25, Hunt discloses wherein the processor component is executed by a computer or server remotely located from the client device. [0169]
  9. As regards claim 9 , Hunt discloses wherein the client device is one of a mobile

phone and a personal digital assistant.[0176]

10. As regards claim 10 , Hunt discloses wherein the data store is a relational database. [0104]

11. As regards claim 11 , Hunt discloses wherein the data store is a multidimensional OLAP database.[0294]

12. As regards claims 12, 14 , 23 Hunt discloses a key performance indicator system comprising:

means for receiving information associated with user desired KPIs from a client device;

means for creating a KPI document based upon the user desired KPIs, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; and means for utilizing the KPI document to query one or more data stores and generate a result document from the query results, and transmitting the result document back to the client device.[0340]

13. As regards claims 15 and 26, Hunt discloses further comprising retrieving query expressions from a data store and utilizing the query expressions to query the data store for one or more KPIs. [0146]

14. As regards claim 17, Hunt discloses wherein the KPI document comprises data concerning data store connections and KPI retrieval information. [0156]

15. As regards claims 21 and 29, Hunt discloses transferring the result document to

the client device. [0178]

16. As regards claims 22 and 30, Hunt discloses a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 14. [1682]

#### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/  
Examiner, Art Unit 3696

John A Anderson  
Examiner  
Art Unit 3696

/J. A. A. /

Examiner, Art Unit 3696 01/07/2009

/Daniel S Felten/

Primary Examiner, Art Unit 3696